

Message Text

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ACTION NODS-00

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC NIACT IMMEDIATE 1003

S E C R E T MEXICO 3434

NODIS

EO 11652: XGDS-2

TAGS: PFOR MEX

SUBJECT: BOYCE/LEE ESPIONAGE CASE

REF MEXICO 3433

1. SUMMARY: PRESIDENT REFUSES ALLOW POLICE WITNESSES TRAVEL
U.S. BUT WILL PERMIT THEM TO GIVE DEPOSITIONS IN MEXICO.
ACTION: NEED INSTRUCTIONS BY NOON, MARCH 23, END SUMMARY:

2. FONSEC ROEL TELEPHONED ME THIS AFTERNOON, MARCH 21,
JAUREZ' BIRTHDAY HOLIDAY. HE APOLOGIZED FOR DELAY IN GETTING
BACK TO ME, EXPLAINING HE HAD EXPERIENCED SOME DIFFICULTY
IN FINDING OPPORTUNITY TO DISCUSS THIS MATTER WITH PRESIDENT
LOPEZ PORTILLO. (I KNOW PRESIDENT WAS OUT OF THE CITY FRIDAY
AFTERNOON, RETURNED FOR BRIEF EVENING CEREMONY MARKING BREAK
IN RELATIONS WITH SPANISH REPUBLIC, THEN PERFORMED FURTHER
TRAVEL ON WEEKEND.)

3. FONSEC OBSERVED THAT THIS CASE PRESENTS "GREAT DIFFI-
CULTIES". HE SAID HE HAD FOUND PRESIDENT ADAMANT IN HIS REFUSAL
TO ALLOW POLICE WITNESSES TO GO TO U.S., EITHER TO GIVE
DEPOSITIONS OR TO APPEAR AS WITNESSES AT TRIAL. ON THE OTHER
HAND, SECRETARY SAID HE HAD SUCCEEDED IN OBTAINING THE PRESI-
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DENT'S AGREEMENT THAT HE WOULD TAKE DEPOSITONS FROM THESE
WITNESSES IN MEXICO.

4. AFTER THANKING THE SECRETARY FOR HIS EFFORT, I REMINDED
HIM THAT, AS I HAD EXPLAINED PREVIOUSLY, MY INSTRUCTIONS
INDICATED THAT WE COULD NOT TAKE DEPOSITIONS IN MEXICO
BECAUSE DEFENDANT WOULD HAVE TO BE PRESENT AND HENCE OUT

OF U.S. JURISDICTION. ROEL SAID HE RECALLED MY EARLIER EXPLANATION BUT, AS A LAWYER WITH EXPERIENCE IN CASES INVOLVING USE OF DEPOSITIONS BEFORE U.S. COURTS, HE WAS CONFIDENT WE COULD TAKE AND USE THESE WITNESSES' DEPOSITIONS.

5. SECRETARY NOTED HE WOULD BE TRAVELING AS OF COB WEDNESDAY MARCH 23. HE URGED ME TO CONSULT RAPIDLY SO THAT WE MIGHT WORK OUT ARRANGEMENTS PRIOR HIS DEPARTURE.

6. COMMENT: THE PRESIDENT'S AGREEMENT TO LET US TAKE DEPOSITIONS IN MEXICO IS REAL BREAKTHROUGH AND MORE THAN WE HAD ANY REASON TO EXPECT, GIVEN HIS DEMONSTRATION OF SEVERE POLITICAL ANXIETY ABOUT GOM INVOLVEMENT WITH THIS CASE. I URGE DEPARTMENT TO EXPLORE WITH DEPT OF JUSTICE EVERY POSSIBILITY OF TAKING ADVANTAGE OF THIS OFFER. IT MAY NOT BE IDEAL FROM JUSTICE'S POINT OF VIEW BUT THE PRESIDENT HAS MADE A MAJOR CONCESSION IN MAKING THIS OFFER WHICH I KNOW HE CONSIDERS POLITICALLY RISKY.

7. NEXT STEPS TO NAIL DOWN ARRANGEMENTS WILL REQUIRE ASSISTANCE OF FONSEC. IN VIEW OF HIS TRAVEL PLANS, I SHALL NEED INSTRUCTIONS BY NOON WEDNESDAY MARCH 23. PLS ADVISE. THOMPSON

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